

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:20-cv-00014-RJC**

DAVID GILLESPIE,

Plaintiff,

v.

**KILOLO KIJAKAZI,
Acting Commissioner of
Social Security Administration,**

Defendant.

ORDER

THIS MATTER is before the Court on Plaintiff's Motion for Attorney's Fees (the "Motion"). (Doc. No. 26). In the Motion, Plaintiff contends that he is entitled to attorney's fees in the amount of \$12,246.89, which represents less than 25% of Plaintiff's accrued back benefits, to be paid from Plaintiff's back benefits pursuant to section 406(b) of the Social Security Act. 42 U.S.C. § 406(b). Defendant neither supports nor opposes the request. (Doc. No. 28).

The Court has reviewed the Motion and supporting exhibits and finds that Plaintiff has established that he is entitled to attorney's fees pursuant to 42 U.S.C. § 406(b). For the reasons outlined in Plaintiff's Motion, the Court **GRANTS** Plaintiff's Motion for Attorney's Fees. (Doc. No. 26).

IT IS, THEREFORE, ORDERED that Plaintiff's Motion for Attorney's Fees, (Doc. No. 26), is **GRANTED**. The Commissioner of Social Security is hereby **ORDERED** to pay to Plaintiff's counsel the sum of \$12,246.89 from Plaintiff's back benefits and Plaintiff's counsel shall refund the \$8,250.00 EAJA fee to Plaintiff, and upon the payment of such sums, this case shall be dismissed with prejudice.

Signed: September 28, 2023

A handwritten signature in black ink, reading "Robert J. Conrad, Jr.", written over a horizontal line.

Robert J. Conrad, Jr.
United States District Judge

